

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT CO., INC.)

d/b/a BOSTON HARLEY-DAVIDSON/BUELL,)

Plaintiff,)

v.)

CIVIL ACTION

NO. 04 11402 NMG

HARLEY-DAVIDSON MOTOR COMPANY, INC.)

and BUELL DISTRIBUTION COMPANY, LLC,)

Defendants.)

MOTION TO STRIKE JURY DEMAND

Defendants Harley-Davidson Motor Company, Inc. and Buell Distribution Company, LLC (collectively "Harley-Davidson") move to strike the jury demand of Plaintiff Cycle-Craft Co., Inc., d/b/a Boston Harley-Davidson/Buell (Cycle-Craft). As reason therefore, Harley-Davidson states that Cycle-Craft's Complaint alleges a single cause of action - wrongful termination under Mass. Gen. Laws. c. 93B. As there is no right to trial by jury under Mass. Gen. Laws c. 93B, Cycle-Craft's jury demand should be stricken from the Complaint. In support thereof, Harley-Davidson relies on its Memorandum in Support of Motion to Strike Jury Demand.

WHEREFORE, Harley-Davidson respectfully requests that this Court strike the jury demand of Cycle-Craft from its Complaint.

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), counsel for Harley-Davidson certify that they have conferred with counsel for Cycle-Craft and have attempted in good faith to resolve or narrow the issue.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Harley-Davidson hereby requests oral argument on its Motion to Strike Jury Demand.

**HARLEY-DAVIDSON MOTOR COMPANY, INC.,
and BUELL DISTRIBUTION COMPANY, LLC**

By their attorneys,

/s/ Sabita Singh

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